

# Exhibit G

MR (3)

*Security Credit Systems, Inc.  
622 Main Street, Suite 301  
Buffalo, NY 14202*

## **WEEKLY WORK HOURS**

**ACCURATELY RECORDING TIME WORKED IS THE RESPONSIBILITY OF EVERY EMPLOYEE.**

**TIME WORKED IS ALL THE TIME ACTUALLY SPENT ON THE JOB PERFORMING ASSIGNED DUTIES.**

**If an employee punches in Early, or punches out late, without prior approval of a supervisor, the time recorded is defaulted to an 8-hour workday.**

### **A WEEKLY WORK SCHEDULE CONSISTS OF:**

MONDAY HOURS 10:00 AM – 7:00 PM  
TUESDAY – FRIDAY HOURS ARE 8:00 AM – 4:30 PM

### **THE LAST TWO (2) WEEKS OF EVERY MONTH:**

MONDAY HOURS 10:00 am – 7:00 pm  
TUESDAY – WEDNESDAY & FRIDAY 8:00 AM – 4:30 PM  
THURSDAYS 10:00 AM – 7:00 PM

Each employee is allowed 30 minutes of break time and one (1) 30 minute lunch break.  
Each employee is to punch in and out for each and every break.

\*\*\*\*\* NO EXCEPTIONS\*\*\*\*\*

If there are any questions contact your supervisor.

***You signed this.***

**Archived Time Card Report**

Includes selected workgroups for all employees.

Location Niagara St Custom 1  
 Department Collection Custom 2  
 Cost Center Retail Custom 3  
 Badge 143 Custom 4  
 ID Number 143 Custom 5  
 SSN 093-44-2893 Custom 6  
 Class Full Time Class Rate 0.0000  
 Hire Date 09/10/07

MR (5)

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
09/10/07					79:30	Regular	
09/24/07					40:00	Regular	
10/01/07					40:00	Regular	
10/08/07					40:00	Regular	
10/15/07					32:00	Regular	
10/22/07					40:00	Regular	
10/29/07					40:00	Regular	
11/05/07					31:45	Regular	
11/12/07					32:00	Regular	
11/13/07					8:00	Regular	
11/19/07					12:00	Regular	

LOC-DEPT-CC	Pay Designation	Hours	Rate	Dollars
001-006-006	Regular	395:15	0.0000	0.0000

**Supervisor Edits**

GCOUGHLIN 09/23/07 7:07p CREDIT 79:30 Regular 001-006-006 09/10/07  
 GCOUGHLIN 10/04/07 4:27p CREDIT 40:00 Regular 001-006-006 09/24/07  
 GCOUGHLIN 10/08/07 2:17p CREDIT 40:00 Regular 001-006-006 10/01/07  
 GCOUGHLIN 10/22/07 1:27p CREDIT 40:00 Regular 001-006-006 10/08/07  
 GCOUGHLIN 10/22/07 1:27p CREDIT 32:00 Regular 001-006-006 10/15/07  
 GCOUGHLIN 11/05/07 3:41p CREDIT 40:00 Regular 001-006-006 10/22/07  
 GCOUGHLIN 11/05/07 3:42p CREDIT 40:00 Regular 001-006-006 10/29/07  
 GCOUGHLIN 11/16/07 1:58a CREDIT 31:45 Regular 001-006-006 11/05/07  
 GCOUGHLIN 11/16/07 1:58a CREDIT 32:00 Regular 001-006-006 11/12/07  
 GCOUGHLIN 11/16/07 2:00p CREDIT 8:00 Regular 001-006-006 11/13/07  
 GCOUGHLIN 12/03/07 3:19p CREDIT 12:00 Regular 001-006-006 11/19/07

**MACCAGNANO, JOSEPH**

Location Niagara St Custom 1  
 Department Collection Custom 2  
 Cost Center College Div Custom 3  
 Badge 983 Custom 4  
 ID Number 983 Custom 5  
 SSN 055-62-4380 Custom 6  
 Class Full Time Class Rate 0.0000  
 Hire Date 12/03/07

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
12/03/07					36:00	Regular	
12/10/07					36:00	Regular	
12/17/07					40:00	Regular	
12/24/07					32:00	Regular	
12/31/07					32:00	Regular	
01/07/08					40:00	Regular	
01/21/08					80:00	Regular	
01/28/08					80:00	Regular	
02/11/08					80:00	Regular	
02/25/08					80:00	Regular	
03/11/08					80:00	Regular	
03/24/08					80:00	Regular	

Archived Time Card Report
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Includes selected workgroups for all employees.

04/07/08					80:00	Regular	
04/21/08					8:00	Regular	
04/22/08					8:00	Regular	
04/23/08					8:00	Regular	
04/24/08					8:00	Regular	
04/25/08	8:00a 3:19p	12:30p 4:31p	1:01p	3:04p	7:59	8:00a/ 4:30p	Long Lun.
04/25/08					7:59	Regular	
04/28/08	9:55a 1:27p 5:23p	12:02p 3:32p 7:02p	12:15p 3:42p	1:00p 5:03p	8:00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. B
04/28/08					8:00	Regular	
04/29/08	7:57a 11:58a 3:18p	9:02a 12:32p 4:31p	9:08a 12:59p	11:53a 3:06p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk., Shrt. I
04/29/08					8:00	Regular	
04/30/08	7:59a 1:00p	10:02a 3:02p	10:20a 3:15p	12:30p 4:31p	7:57	8:00a/ 4:30p	Long Brk.
04/30/08					7:57	Regular	
05/01/08	7:58a 12:56p	10:05a 3:01p	10:17a 3:13p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/01/08					8:00	Regular	
05/02/08	7:59a 1:00p	10:02a 3:02p	10:16a 3:18p	12:31p 4:34p	7:59	8:00a/ 4:30p	Left Late, Shrt. Lun., Long Brk.
05/02/08					7:59	Regular	
05/05/08	9:55a 1:30p 5:26p	12:05p 3:29p 7:01p	12:17p 3:43p	1:02p 5:00p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
05/05/08					8:00	Regular	
05/06/08	12:56p	3:08p	3:20p	4:32p	3:04	8:00a/ 4:30p	Tardy, Left Late, Shrt. Lun.
05/06/08					8:00	Regular	
05/07/08	8:00a 12:59p	10:04a 2:59p	10:18a 3:13p	12:32p 4:31p	8:00	8:00a/ 4:30p	Shrt. Lun.
05/07/08					8:00	Regular	
05/08/08	7:57a 12:56p	10:04a 3:05p	10:17a 3:18p	12:32p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/08/08					8:00	Regular	
05/09/08	8:02a 12:58p	10:02a 3:03p	10:13a 3:19p	12:30p 4:31p	7:57	8:00a/ 4:30p	Tardy, Shrt. Lun., Long Brk.
05/09/08					7:57	Regular	
05/12/08	9:53a 1:31p 5:27p	12:01p 3:32p 7:02p	12:12p 3:47p	1:00p 5:01p	7:59	10:00a/ 7:00p	Arr. Early, Left Late, Long Lun., Shrt. L
05/12/08					7:59	Regular	
05/13/08	7:55a 12:59p	9:46a 3:05p	10:00a 3:16p	12:30p 4:32p	8:00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun.
05/13/08					8:00	Regular	
05/14/08	7:56a 1:02p	10:02a 3:03p	10:15a 3:16p	12:30p 4:31p	7:58	8:00a/ 4:30p	Arr. Early, Long Lun.
05/14/08					7:58	Regular	
05/15/08	7:58a 1:01p	10:01a 3:02p	10:15a 3:15p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early
05/15/08					8:00	Regular	
05/16/08	7:55a 12:58p	10:02a 2:34p	10:15a 2:47p	12:30p 4:01p	7:31	8:00a/ 4:30p	Arr. Early, Left Early, Shrt. Lun.
05/16/08					0:30	Earned	
05/16/08					7:31	Regular	
05/19/08	10:00a 3:53p	1:03p 5:02p	1:30p 5:31p	3:39p 7:01p	8:00	10:00a/ 7:00p	Shrt. Lun.
05/19/08					8:00	Regular	
05/20/08	7:58a 12:59p	10:01a 3:00p	10:13a 3:14p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/20/08					8:00	Regular	
05/21/08	7:57a 1:01p	10:01a 3:04p	10:15a 3:15p	12:30p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Long Lun.
05/21/08					7:59	Regular	

Archived Time Card Report
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Includes selected workgroups for all employees.

05/22/08	10:04a 1:29p 5:28p	12:03p 3:32p 7:01p	12:16p 3:44p	1:00p 5:04p	7:56	10:00a/ 7:00p	Tardy, Shrt. Lun.
05/22/08					7:56	Regular	
05/23/08	7:56a 12:57p	9:59a 3:05p	10:15a 3:18p	12:30p 4:31p	7:59	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
05/23/08					7:59	Regular	
05/26/08					8:00	Holiday	
05/27/08	9:56a 1:31p 5:33p	12:09p 3:30p 7:01p	12:23p 3:50p	1:01p 5:04p	7:55	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
05/27/08					7:55	Regular	
05/28/08	7:56a 12:58p	10:00a 3:01p	10:13a 3:14p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/28/08					8:00	Regular	
05/29/08	10:00a 1:29p 5:29p	12:01p 3:31p 7:00p	12:17p 3:44p	1:00p 5:01p	7:59	10:00a/ 7:00p	Shrt. Lun., Long Brk.
05/29/08					7:59	Regular	
05/30/08	7:55a 1:00p	10:04a 3:03p	10:19a 3:17p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
05/30/08					8:00	Regular	
06/02/08	10:00a 1:37p 5:29p	12:02p 3:29p 7:01p	12:15p 3:44p	1:11p 4:59p	8:00	10:00a/ 7:00p	Shrt. Lun.
06/02/08					8:00	Regular	
06/03/08	7:56a 1:00p	10:01a 3:00p	10:15a 3:18p	12:30p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Long Brk.
06/03/08					7:57	Regular	
06/04/08	8:05a 1:05p	10:03a 3:05p	10:15a 3:17p	12:34p 4:31p	7:54	8:00a/ 4:30p	Tardy, Long Lun.
06/04/08					7:54	Regular	
06/05/08	8:00a 1:00p	10:04a 3:01p	10:19a 3:16p	12:31p 4:30p	8:00	8:00a/ 4:30p	Shrt. Lun.
06/05/08					8:00	Regular	
06/06/08	7:56a 1:01p	10:00a 2:59p	10:16a 3:14p	12:30p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
06/06/08					7:58	Regular	
06/09/08	9:58a 1:30p 5:29p	12:00p 2:58p 7:00p	12:16p 3:10p	1:01p 5:00p	7:59	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
06/09/08					7:59	Regular	
06/10/08	8:02a 12:58p	9:43a 3:08p	9:57a 3:21p	12:30p 4:30p	7:58	8:00a/ 4:30p	Tardy, Shrt. Lun.
06/10/08					7:58	Regular	
06/11/08	7:57a 1:00p	10:03a 3:00p	10:17a 3:15p	12:31p 4:32p	8:00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun.
06/11/08					8:00	Regular	
06/12/08	8:05a 1:01p	10:07a 3:03p	10:23a 3:23p	12:33p 4:30p	7:49	8:00a/ 4:30p	Tardy, Shrt. Lun., Long Brk.
06/12/08					7:49	Regular	
06/13/08	8:01a 1:02p	10:01a 3:01p	10:16a 3:16p	12:30p 4:30p	7:57	8:00a/ 4:30p	Long Lun.
06/13/08					7:57	Regular	
06/16/08	9:47a 1:29p 5:29p	12:02p 3:35p 7:00p	12:17p 3:50p	1:01p 5:02p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
06/16/08					8:00	Regular	
06/17/08	7:56a 12:55p	10:01a 3:03p	10:16a 3:16p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
06/17/08					8:00	Regular	
06/18/08	7:56a 12:59p	10:00a 3:04p	10:15a 3:15p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
06/18/08					8:00	Regular	
06/19/08	10:00a 1:30p	12:06p 3:30p	12:15p 3:43p	1:02p 5:00p	8:00	10:00a/ 7:00p	Shrt. Lun., Shrt. Brk.

# Archived Time Card Report

Includes selected workgroups for all employees.

06/19/08	5:29p	7:00p			8:00	Regular	
06/20/08	7:55a	10:00a	10:13a	12:30p	7:46	8:00a/ 4:30p	Arr. Early, Long Lun.
	1:14p	4:30p					
06/20/08					8:00	Regular	
06/20/08							LONG LUNCH NO BREAK
06/23/08	9:56a	12:04p	12:16p	1:02p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
	1:27p	3:31p	3:43p	5:05p			
	5:31p	7:01p					
06/23/08					8:00	Regular	
06/24/08	7:58a	10:05a	10:17a	12:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
	12:59p	3:02p	3:21p	4:31p			
06/24/08					7:56	Regular	
06/25/08	7:59a	10:01a	10:15a	12:31p	7:59	8:00a/ 4:30p	Shrt. Lun., Long Brk.
	12:59p	3:03p	3:19p	4:30p			
06/25/08					7:59	Regular	
06/26/08	9:57a	12:01p	12:16p	1:02p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
	1:30p	3:30p	3:44p	5:01p			
	5:26p	7:01p					
06/26/08					8:00	Regular	
06/27/08	7:59a	10:02a	10:15a	12:37p	8:00	8:00a/ 4:30p	Shrt. Lun.
	1:04p	3:04p	3:16p	4:31p			
06/27/08					8:00	Regular	
06/30/08	7:56a	10:10a	10:21a	12:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
	1:00p	3:04p	3:18p	4:31p			
06/30/08					8:00	Regular	
07/01/08	9:57a	12:02p	12:15p	1:00p	7:59	10:00a/ 7:00p	Arr. Early, Left Late, Long Lun., Shrt. L
	1:31p	3:08p	3:21p	5:07p			
	5:32p	7:02p					
07/01/08					7:59	Regular	
07/02/08	7:59a	10:03a	10:17a	12:31p	7:59	8:00a/ 4:30p	Shrt. Lun., Long Brk.
	1:00p	3:02p	3:18p	4:31p			
07/02/08					7:59	Regular	
07/03/08	7:55a	10:00a	10:17a	12:30p	7:58	8:00a/ 4:30p	Arr. Early, Long Brk.
	1:00p	3:07p	3:18p	4:30p			
07/03/08					7:58	Regular	
07/04/08					8:00	Holiday	
07/07/08	9:53a	12:01p	12:14p	1:02p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
	1:28p	3:27p	3:40p	5:02p			
	5:32p	7:01p					
07/07/08					8:00	Regular	
07/08/08	8:02a	10:04a	10:18a	12:30p	7:57	8:00a/ 4:30p	Tardy, Left Late, Long Lun.
	1:01p	2:59p	3:13p	4:32p			
07/08/08					7:57	Regular	
07/09/08	7:59a	9:59a	10:14a	12:03p	4:03	8:00a/ 4:30p	Left Early
07/09/08					4:00	Sick	
07/09/08					4:03	Regular	
07/10/08	8:00a	10:00a	10:11a	12:32p	8:00	8:00a/ 4:30p	Shrt. Lun.
	1:00p	3:00p	3:14p	4:30p			
07/10/08					8:00	Regular	
07/11/08	7:55a	10:01a	10:15a	12:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
	12:58p	3:02p	3:16p	4:30p			
07/11/08					8:00	Regular	
07/14/08	9:54a	12:00p	12:13p	1:01p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
	1:27p	3:04p	3:17p	5:03p			
	5:29p	7:00p					
07/14/08					8:00	Regular	
07/15/08	7:53a	10:02a	10:13a	12:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
	12:56p	3:01p	3:12p	4:30p			
07/15/08					8:00	Regular	
07/16/08	7:56a	10:20a	10:32a	12:30p	8:00	8:00a/ 4:30p	Arr. Early
	1:00p	3:00p	3:14p	4:30p			
07/16/08					8:00	Regular	
07/17/08	9:45a	12:00p	12:14p	1:01p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
	1:28p	3:31p	3:45p	5:01p			
	5:27p	7:00p					

# Archived Time Card Report

Includes selected workgroups for all employees.

07/17/08					8:00	Regular	
07/18/08	7:55a 12:56p	10:01a 3:02p	10:19a 3:13p	12:30p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
07/18/08					7:57	Regular	
07/21/08	9:52a 1:32p 5:30p	12:05p 3:31p 7:00p	12:25p 3:45p	1:05p 5:00p	7:55	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
07/21/08					7:55	Regular	
07/22/08	7:56a 12:57p	10:00a 3:01p	10:13a 3:14p	12:31p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
07/22/08					8:00	Regular	
07/23/08	7:57a 1:04p	10:02a 3:00p	10:15a 3:15p	12:40p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
07/23/08					8:00	Regular	
07/24/08	10:10a 1:29p 5:44p	11:10a 3:32p 7:02p	11:28a 3:44p	1:00p 5:15p	7:47	10:00a/ 7:00p	Tardy, Left Late, Shrt. Lun., Long Brk.
07/24/08					7:47	Regular	
07/25/08	7:55a 1:00p	10:05a 3:00p	10:18a 3:16p	12:30p 4:31p	7:59	8:00a/ 4:30p	Arr. Early, Long Brk.
07/25/08					7:59	Regular	
07/28/08	9:51a 1:32p 5:38p	12:02p 3:33p 7:01p	12:11p 3:44p	1:02p 5:10p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Shrt. Brk.
07/28/08					8:00	Regular	
07/29/08	7:52a 12:59p	10:03a 2:03p	10:19a	12:31p	5:34	8:00a/ 4:30p	Arr. Early, Left Early, Long Brk.
07/29/08					5:34	Regular	
07/30/08	7:55a 12:56p	10:04a 3:00p	10:21a 3:12p	12:30p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
07/30/08					7:58	Regular	
07/31/08	7:56a 1:02p	10:44a 3:03p	10:57a 3:17p	12:32p 4:31p	8:00	8:00a/ 4:30p	Arr. Early
07/31/08					8:00	Regular	
08/01/08	8:00a 12:58p	10:03a 3:06p	10:15a 3:18p	12:30p 4:31p	8:00	8:00a/ 4:30p	Shrt. Lun.
08/01/08					8:00	Regular	
08/04/08	9:54a 1:31p 7:01p	12:04p 3:19p	12:19p 4:56p	1:01p 5:25p	8:00	10:00a/ 7:00p	Arr. Early, Miss. Pun.
08/04/08					8:00	Regular	
08/05/08	7:58a 12:58p	10:06a 3:01p	10:19a 3:16p	12:30p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
08/05/08					8:00	Regular	
08/06/08	7:55a 1:01p	10:01a 3:21p	10:14a 3:34p	12:31p 4:30p	8:00	8:00a/ 4:30p	Arr. Early
08/06/08					8:00	Regular	
08/07/08	7:57a 12:57p	10:13a 3:02p	10:30a 3:13p	12:31p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
08/07/08					7:58	Regular	
08/08/08	7:56a 1:01p	10:52a 3:00p	11:04a 3:14p	12:30p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Long Lun.
08/08/08					7:59	Regular	
08/11/08	9:55a 1:28p 5:33p	12:00p 3:00p 7:00p	12:11p 3:12p	1:02p 5:05p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
08/11/08					8:00	Regular	
08/12/08	7:55a 1:00p	10:11a 2:48p	10:27a 3:03p	12:33p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
08/12/08					7:59	Regular	
08/13/08	7:55a 12:58p	10:05a 3:06p	10:20a 3:18p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
08/13/08					8:00	Regular	
08/14/08	7:58a 1:00p	10:01a 3:04p	10:15a 3:16p	12:30p 4:33p	8:00	8:00a/ 4:30p	Arr. Early, Left Late
08/14/08					8:00	Regular	

Archived Time Card Report
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Includes selected workgroups for all employees.

08/15/08	7:57a 1:01p	10:00a 3:06p	10:17a 3:23p	12:30p 4:30p	7:55	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
08/15/08					7:55	Regular	
08/18/08	9:24a 1:32p 5:31p	12:01p 3:30p 7:00p	12:14p 3:50p	1:02p 5:05p	7:55	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
08/18/08					7:55	Regular	
08/19/08	7:57a 1:01p	10:00a 3:03p	10:15a 3:26p	12:31p 4:32p	7:52	8:00a/ 4:30p	Arr. Early, Left Late, Long Brk.
08/19/08					7:52	Regular	
08/20/08	7:55a 12:56p	10:02a 3:02p	10:13a 3:21p	12:31p 4:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
08/20/08					7:56	Regular	
08/21/08	7:59a 1:32p 5:32p	11:47a 3:35p 7:02p	12:01p 3:50p	1:02p 5:03p	10:01	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Max SI
08/21/08					10:01	Regular	
08/22/08	8:00a 3:16p	8:48a 4:31p	11:52a	3:02p	5:26	8:00a/ 4:30p	Long Lun.
08/22/08					6:00	Regular	
08/25/08	9:48a 1:31p 5:43p	11:48a 3:30p 7:00p	11:59a 3:45p	1:04p 5:15p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
08/25/08					8:00	Regular	
08/26/08	7:54a 12:59p	10:10a 3:03p	10:20a 3:22p	12:33p 4:31p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk., Shrt. I
08/26/08					7:56	Regular	
08/27/08	7:56a 1:07p	10:02a 3:04p	10:17a 3:19p	12:31p 4:31p	7:54	8:00a/ 4:30p	Arr. Early, Long Lun.
08/27/08					7:54	Regular	
08/28/08	9:57a 3:49p	1:08p 5:03p	1:40p 5:32p	3:35p 7:01p	7:58	10:00a/ 7:00p	Arr. Early, Long Lun., Shrt. Lun.
08/28/08					7:58	Regular	
08/29/08	8:00a 1:02p	10:06a 3:00p	10:20a 3:14p	12:30p 4:30p	7:58	8:00a/ 4:30p	Long Lun.
08/29/08					7:58	Regular	
09/01/08					8:00	Holiday	
09/02/08	9:47a 1:36p 5:28p	11:44a 3:37p 7:00p	11:59a 3:49p	1:00p 5:01p	7:54	10:00a/ 7:00p	Arr. Early, Long Lun., Shrt. Lun.
09/02/08					7:54	Regular	
09/03/08	7:55a 12:59p	10:00a 3:01p	10:13a 3:19p	12:30p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/03/08					7:57	Regular	
09/04/08	7:57a 12:59p	10:00a 3:04p	10:15a 3:19p	12:34p 4:31p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
09/04/08					8:00	Regular	
09/05/08	7:51a 1:03p	10:01a 3:06p	10:15a 3:20p	12:34p 4:30p	8:00	8:00a/ 4:30p	Arr. Early, Shrt. Lun.
09/05/08					8:00	Regular	
09/08/08	9:55a 1:36p 5:44p	11:44a 3:36p 7:01p	12:01p 3:53p	1:08p 5:21p	7:56	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
09/08/08					7:56	Regular	
09/09/08	7:55a 12:59p	10:04a 3:04p	10:19a 3:21p	12:31p 4:30p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/09/08					7:58	Regular	
09/10/08	7:55a 1:00p	10:02a 3:06p	10:15a 3:19p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early
09/10/08					8:00	Regular	
09/11/08	7:57a 1:01p	10:06a 3:04p	10:23a 3:19p	12:32p 4:31p	7:58	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/11/08					7:58	Regular	
09/12/08	7:55a 1:04p	10:03a 3:02p	10:20a 3:20p	12:30p 4:30p	7:51	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
09/12/08					7:51	Regular	

# Archived Time Card Report

Includes selected workgroups for all employees.

09/15/08	10:01a 1:31p 5:28p	11:43a 3:30p 7:00p	11:59a 3:48p	1:04p 5:01p	7:55	10:00a/ 7:00p	Shrt. Lun., Long Brk.
09/15/08					7:55	Regular	
09/16/08	7:55a 1:01p	10:01a 3:00p	10:14a 3:19p	12:32p 4:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/16/08					7:56	Regular	
09/17/08	7:59a 1:03p	10:03a 2:56p	10:18a 3:15p	12:30p 4:30p	7:53	8:00a/ 4:30p	Long Lun., Long Brk.
09/17/08					7:53	Regular	
09/18/08	9:57a 1:29p 5:31p	11:45a 3:31p 7:00p	12:03p 3:53p	1:00p 5:00p	7:49	10:00a/ 7:00p	Arr. Early, Long Lun., Shrt. Lun., Long
09/18/08					7:49	Regular	
09/19/08	8:00a 1:08p 4:31p	10:00a 3:01p	10:17a 3:17p	12:30p 4:30p	8:00	8:00a/ 4:30p	Miss. Pun.
09/19/08					8:00	Regular	
09/22/08	9:54a 1:30p 5:32p	11:41a 3:32p 7:01p	11:55a 3:46p	1:00p 5:03p	8:00	10:00a/ 7:00p	Arr. Early, Shrt. Lun.
09/22/08					8:00	Regular	
09/23/08	7:58a 1:00p	10:00a 3:04p	10:15a 3:18p	12:30p 4:30p	8:00	8:00a/ 4:30p	Arr. Early
09/23/08					8:00	Regular	
09/24/08	7:56a 1:00p	10:07a 3:00p	10:21a 3:20p	12:30p 4:31p	7:55	8:00a/ 4:30p	Arr. Early, Long Brk.
09/24/08					7:55	Regular	
09/25/08	7:58a 1:01p	10:59a 2:12p	11:14a 2:27p	12:30p 4:30p	7:59	8:00a/ 4:30p	Arr. Early, Long Lun.
09/25/08					7:59	Regular	
09/26/08	7:54a 1:07p	10:01a 3:00p	10:15a 3:16p	12:30p 4:31p	7:52	8:00a/ 4:30p	Arr. Early, Long Lun., Long Brk.
09/26/08					7:52	Regular	
09/29/08	9:52a 1:31p 5:35p	11:44a 3:08p 7:01p	12:00p 3:23p	1:02p 5:07p	7:59	10:00a/ 7:00p	Arr. Early, Shrt. Lun., Long Brk.
09/29/08					7:59	Regular	
09/30/08	7:57a 12:56p	10:09a 3:00p	10:28a 3:21p	12:33p 4:31p	7:50	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
09/30/08					7:50	Regular	
10/01/08	7:55a 12:58p	9:50a 3:05p	10:08a 3:18p	12:32p 4:30p	7:57	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
10/01/08					7:57	Regular	
10/02/08	7:54a 1:00p	10:20a 3:00p	10:39a 3:15p	12:31p 4:30p	7:56	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Long Brk.
10/02/08					7:56	Regular	

LOC-DEPT-CC	Pay Designation	Hours	Rate	Dollars
001-006-002	Regular	1693:37	0.0000	0.0000
001-006-002	Sick	4:00	0.0000	0.0000
001-006-002	Holiday	24:00	0.0000	0.0000
001-006-002	Earned	0:30	0.0000	0.0000

## Supervisor Edits

GCOUGHLIN 12/17/07 2:32p CREDIT 36:00 Regular 001-006-002 12/03/07  
 GCOUGHLIN 12/17/07 2:33p CREDIT 36:00 Regular 001-006-002 12/10/07  
 GCOUGHLIN 12/26/07 4:25p CREDIT 40:00 Regular 001-006-002 12/17/07  
 GCOUGHLIN 12/28/07 2:47p CREDIT 32:00 Regular 001-006-002 12/24/07  
 GCOUGHLIN 01/10/08 1:18p CREDIT 32:00 Regular 001-006-002 12/31/07  
 GCOUGHLIN 01/14/08 1:43p CREDIT 40:00 Regular 001-006-002 01/07/08  
 GCOUGHLIN 01/28/08 2:19p CREDIT 80:00 Regular 001-006-002 01/21/08  
 GCOUGHLIN 02/11/08 3:54p CREDIT 80:00 Regular 001-006-002 01/28/08  
 GCOUGHLIN 02/25/08 6:35p CREDIT 80:00 Regular 001-006-002 02/11/08  
 GCOUGHLIN 03/10/08 2:29p CREDIT 80:00 Regular 001-006-002 02/25/08

**Archived Time Card Report**

Includes selected workgroups for all employees.

GCOUGHLIN 03/24/08 3:11p CREDIT 80:00 Regular 001-006-002 03/11/08  
 GCOUGHLIN 04/07/08 2:12p CREDIT 80:00 Regular 001-006-002 03/24/08  
 GCOUGHLIN 04/21/08 2:29p CREDIT 80:00 Regular 001-006-002 04/07/08  
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/21/08  
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/22/08  
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/23/08  
 GCOUGHLIN 05/05/08 3:44p CREDIT 8:00 Regular 001-006-002 04/24/08  
 GCOUGHLIN 05/05/08 3:44p ADJ TRANS TIME FROM 04/25/08 11:33a TO 04/25/08 10:00a  
 GCOUGHLIN 05/05/08 3:44p ADJ TRANS TIME FROM 04/25/08 10:00a TO 04/25/08 8:00a  
 GCOUGHLIN 05/05/08 3:44p ADJ TRANS TIME FROM 04/28/08 5:21p TO 04/28/08 5:23p  
 GCOUGHLIN 05/19/08 2:48p CREDIT 4:56 Regular 001-006-002 05/06/08  
 GCOUGHLIN 05/19/08 2:49p CREDIT 0:30 Earned 001-006-002 05/16/08  
 GCOUGHLIN 06/02/08 2:02p CREDIT 8:00 Holiday 001-006-002 05/26/08  
 GCOUGHLIN 06/30/08 9:50a CREDIT 0:14 Regular 001-006-002 06/20/08  
 GCOUGHLIN 07/14/08 7:13p CREDIT 8:00 Holiday 001-006-002 07/04/08  
 GCOUGHLIN 07/14/08 2:44p CREDIT 4:00 Sick 001-006-002 07/09/08  
 GCOUGHLIN 07/14/08 7:13p ADD PUN 07/10/08 4:30p  
 GCOUGHLIN 08/26/08 10:25a CREDIT 0:34 Regular 001-006-002 08/22/08  
 GCOUGHLIN 09/08/08 5:01p CREDIT 8:00 Holiday 001-006-002 09/01/08  
 GCOUGHLIN 09/19/08 2:03p ADD PUN 09/19/08 4:30p

**MACIEJEWSKI, SARAH M**

Location	Niagara St	Custom 1	
Department	Collection	Custom 2	
Cost Center	Medical	Custom 3	
Badge	196	Custom 4	
ID Number	196	Custom 5	
SSN	073-64-3532	Custom 6	
Class	Full Time Class	Rate	0.0000
Hire Date	10/20/08		

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
------	----	-----	----	-----	-------	----------	------------

LOC-DEPT-CC	Pay Designation	Hours	Rate	Dollars
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**Supervisor Edits****MACRE, ROBERT M**

Location	Niagara St	Custom 1	
Department	Collection	Custom 2	
Cost Center	Medical	Custom 3	
Badge	147	Custom 4	
ID Number	147	Custom 5	
SSN	131-58-6711	Custom 6	
Class	Full Time Class	Rate	1.0000
Hire Date	10/15/07		

04/15/05 to 10/02/08

Date	In	Out	In	Out	Hours	Schedule	Exceptions
10/15/07					40:00	Regular	
10/22/07					40:00	Regular	
10/29/07					40:00	Regular	
11/05/07					40:00	Regular	
11/12/07					32:00	Regular	
11/13/07					8:00	Regular	
11/19/07					12:00	Regular	
11/20/07					12:00	Regular	
11/21/07					8:00	Regular	
11/26/07					40:00	Regular	
12/03/07					80:00	Regular	
12/17/07					40:00	Regular	

MR (6)

*Security Credit Systems, Inc.  
622 Main Street, Suite 301  
Buffalo, NY 14202*

## **TIMEKEEPING AND USE OF TIMECLOCK**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and State laws require SCS to keep an accurate record of time worked in order to calculate employee's pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it performed.

SCS utilizes a "hand reader" style of time clock. All hourly employees are required to punch in their employee number as assigned by his/her supervisor, and insert hand as instructed. Employees are required to punch as follows:

- When employee arrives to begin workday
- When beginning morning break
- When returning from morning break
- When beginning lunch or dinner break
- When returning from lunch or dinner break
- When beginning afternoon break
- When returning from afternoon break
- When shift is over.

If employee punches in early, or punches out late, without prior approval of supervisor, the time recorded will default to an 8-hour workday. Any deviation from employees scheduled work hours without prior approval may result in a loss of compensation.

If there are any problems with punching in, or employee must deviate from a normal schedule, employee's supervisor must be notified immediately.

Should there be a question regarding the accuracy of recorded time, please see supervisor. All timecards are available for review at employee's request.

***FAILURE TO PUNCH IN AND OUT MAY RESULT IN TERMINATION.***

***You signed this.***

# Exhibit H

*Coughlin - Cohen - 10/01/09*

93

11:07:06 1 Q. Mr. Coughlin, I'm handing you a  
11:07:08 2 document that's been marked as Exhibit 20. Do you  
11:07:13 3 recognize Exhibit 20? Feel free to unclip it if  
11:07:16 4 you need to.

11:07:16 5 A. Yes.

11:07:16 6 Q. What is Exhibit 20?

11:07:18 7 A. It's an archived time-card report.

11:07:21 8 Q. And is Exhibit 20 an archived time-card  
11:07:26 9 report for a specific employee?

11:07:35 10 A. Yes.

11:07:35 11 Q. And for which employee is Exhibit 20 an  
11:07:35 12 archived time-card report?

11:07:35 13 A. Kevin Baron.

11:07:35 14 MS. MALLIA: I'm sorry. Can we have a  
11:07:39 15 minute to look through it?

11:07:41 16 MR. COHEN: Sure. And I will say for the  
11:07:48 17 record, that this is -- as the pages indicate at  
11:07:51 18 the bottom, an excerpt of a document that is  
11:07:58 19 2,336 pages. The pages represented on the bottom  
11:08:00 20 of each page of Exhibit 20 are the pages of that  
11:08:04 21 2,336 page document.

11:08:29 22 MS. MALLIA: Okay. Up through 300.

11:08:35 23 MR. COHEN: Yes.

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*Buffalo, New York 14202 - (716) 853-5600*

1 STATE OF NEW YORK )

2 SS:

3 COUNTY OF NIAGARA )

4  
5 I DO HEREBY CERTIFY as a Notary Public in and  
6 for the State of New York, that I did attend and  
7 report the foregoing deposition, which was taken  
8 down by me in a verbatim manner by means of machine  
9 shorthand. Further, that the deposition was then  
10 reduced to writing in my presence and under my  
11 direction. That the deposition was taken to be  
12 used in the foregoing entitled action. That the  
13 said deponent, before examination, was duly sworn  
14 to testify to the truth, the whole truth and  
15 nothing but the truth, relative to said action.

16

17

18


19

20

21

22

23

  
WENDY D. HERMAN,  
Notary Public.

**JACK W. HUNT & ASSOCIATES, INC.**

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# Exhibit I

Murray - Schmit - 12/29/09

6

09:10:51 1 Q. Following receipt of the complaint, you  
09:10:53 2 did undertake an investigation; is that correct?

09:10:54 3 A. Yes.

09:10:54 4 Q. And what was the nature of that  
09:10:56 5 investigation, Mr. Murray?

09:10:58 6 A. It was an investigation under the Fair  
09:11:02 7 Labor Standards Act to determine if Security Credit  
09:11:05 8 was complying with the provisions of the Fair Labor  
09:11:08 9 Standards Act.

09:11:08 10 Q. And what was the method of  
09:11:10 11 investigating? What process or procedures did you  
09:11:12 12 follow in conducting your investigation?

09:11:14 13 MR. COHEN: Objection. Compound question.  
09:11:18 14 You may answer.

09:11:19 15 THE WITNESS: I followed the generally  
09:11:23 16 standard procedure we follow, which is to contact  
09:11:25 17 the employer, advise them that I would be visiting  
09:11:30 18 them to conduct an investigation, arrange a meeting  
09:11:33 19 with the employer or some representative of the  
09:11:37 20 employer to gather information, ask questions, and  
09:11:42 21 to examine records, and to interview employees.

09:11:50 22 BY MR. SCHMIT:

09:11:50 23 Q. And did you have that meeting with the

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*Murray - Schmit - 12/29/09*

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09:11:52 1 employer?

09:11:53 2           **A.**    I visited Security Credit, yes, and met  
09:11:56 3 with people there and gathered information.

09:11:58 4           **Q.**    And you gathered some records from  
09:12:00 5 Security Credit?

09:12:01 6           **A.**    Yes.

09:12:01 7           **Q.**    Documents?

09:12:03 8           **A.**    Yes.

09:12:03 9           **Q.**    And what were those, do you recall?

09:12:06 10          **A.**    I gathered pay records, I gathered time  
09:12:14 11 reports, and I gathered various memorandums that  
09:12:25 12 were -- that comprised the company's employee  
09:12:28 13 handbook or personnel policies.

09:12:33 14          **Q.**    With respect to the time reports, what  
09:12:39 15 are they?

09:12:41 16          **A.**    The company calls them archived time  
09:12:45 17 reports.

09:12:49 18          **Q.**    And what do they show?

09:12:51 19          **A.**    They show for every single day for  
09:12:58 20 every single employee, if the entries were properly  
09:13:03 21 made, they show the time that an employee used a  
09:13:07 22 time system to record time on the clock, both in  
09:13:15 23 and out.

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Murray - Schmit - 12/29/09

11

09:15:58 1 than 25.

09:15:58 2 Q. Approximately 25?

09:16:02 3 A. If I had to estimate from my  
09:16:05 4 recollection, I would estimate that it was more  
09:16:07 5 than 25.

09:16:08 6 Q. As many as 30?

09:16:10 7 A. Could have been.

09:16:11 8 Q. Could it have been more than 30 or less  
09:16:13 9 than 30?

09:16:17 10 A. My best guess is between 25 and 30.

09:16:20 11 Q. Did those interviews take place at the  
09:16:23 12 company or elsewhere?

09:16:24 13 A. It took place both at the company and  
09:16:27 14 elsewhere.

09:16:32 15 Q. Did you secure statements from any of  
09:16:40 16 the people interviewed?

09:16:42 17 A. Yes.

09:16:43 18 Q. Did you secure statements from all of  
09:16:45 19 the people interviewed?

09:16:54 20 A. Yes.

09:17:01 21 MR. SCHMIT: I would like to request copies  
09:17:03 22 of the statements secured by Mr. Murray in the  
09:17:05 23 course of the investigation he just described.

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*Murray - Schmit - 12/29/09*

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09:17:08 1           **MR. COHEN:** And as you know, Judge Scott has  
09:17:11 2 already ordered that we not turn over those  
09:17:15 3 statements, the statements that are the subject of  
09:17:18 4 the defendants' motion to compel earlier this year.  
09:17:23 5 Therefore, we continue to object to the production  
09:17:24 6 of those statements.

09:17:37 7           **BY MR. SCHMIT:**

09:17:53 8           **Q.** Now, the Secretary in her complaint has  
09:17:57 9 alleged in so many words that employees worked more  
09:18:06 10 than 40 hours in a week but were not compensated at  
09:18:11 11 one and a half times their regular rate of pay for  
09:18:15 12 hours worked in excess of 40; is that not correct?

09:18:18 13           **A.** Yes.

09:18:18 14           **Q.** Now, as a result of the investigation  
09:18:22 15 you described, did you reach that conclusion?

09:18:28 16           **A.** Yes.

09:18:28 17           **Q.** Okay. Now, how is it that you reached  
09:18:31 18 that conclusion?

09:18:35 19           **A.** I reached that conclusion from an  
09:18:38 20 examination of different facts. I examined  
09:18:43 21 information shown on pay records, archived time  
09:18:49 22 reports. I considered information provided to me  
09:18:56 23 by employees, and I considered information on

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*Murray - Schmit - 12/29/09*

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09:19:04 1 documents and memorandums provided by the company.

09:19:15 2           Q.     Now, if you could, Mr. Murray, tell me  
09:19:23 3 how it is that you actually examined those records,  
09:19:30 4 what you did to reach the conclusion that there was  
09:19:33 5 uncompensated overtime.

09:19:39 6           A.     With respect to the records, I was  
09:19:43 7 unable to examine them fully or completely at the  
09:19:47 8 employer's premises. I obtained copies of the  
09:19:52 9 records which were provided to me to bring back to  
09:19:54 10 my office.

09:19:56 11           Q.     Now, were those the archived time  
09:19:58 12 reports?

09:19:58 13           A.     They were archived time reports and  
09:20:01 14 also the weekly pay records.

09:20:03 15           Q.     Payroll records?

09:20:04 16           A.     Payroll records. I believe they called  
09:20:06 17 them payroll journals, some other name.

09:20:10 18           Q.     Now, upon reviewing those records, what  
09:20:15 19 did you conclude or what conclusions did you draw?

09:20:20 20           A.     In reviewing the pay records, I  
09:20:26 21 observed that in a pay period, which is a biweekly  
09:20:31 22 pay period at this company, none of the employees  
09:20:36 23 were ever shown as receiving more than 80 hours of

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09:20:41 1 pay in any pay period, but when I reviewed the  
09:20:46 2 archived time reports and looked at the time  
09:20:55 3 entries, it indicated that employees frequently  
09:20:57 4 worked in excess of 40 hours per week and 80 hours  
09:21:01 5 per pay period.

09:21:02 6 Q. You said worked in excess of 40 hours.  
09:21:04 7 Do you mean recorded time which added up to more  
09:21:07 8 than 40 hours?

09:21:11 9 A. Yes.

09:21:11 10 Q. Because you don't know whether they  
09:21:14 11 worked or not, do you?

09:21:16 12 A. Information I obtained during the  
09:21:18 13 investigation indicated that employees were working  
09:21:21 14 during the time recorded on the archived time  
09:21:24 15 reports.

09:21:25 16 Q. Okay. But with respect to a review of  
09:21:28 17 the archived time reports themselves, you could not  
09:21:33 18 determine whether or not there was work done during  
09:21:35 19 the periods of time recorded on that document; is  
09:21:40 20 that correct?

09:21:40 21 A. The time card -- archived time reports  
09:21:44 22 by themselves would not indicate that.

09:21:46 23 Q. Okay. So that -- that conclusion that

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09:23:04 1 types of work performed, no.

09:23:05 2 Q. Or whether any work was performed?

09:23:07 3 A. It was not described in the

09:23:09 4 memorandums, no.

09:23:10 5 MR. SCHMIT: Okay. Go off the record for a

09:23:18 6 second.

09:23:22 7 (Discussion off the record.)

09:23:22 8 The following was marked for Identification:

09:23:22 9 DEFT. EXH. 1 wage transcription and

09:23:22 10 computation sheets, several

09:25:07 11 pages

09:25:07 12 BY MR. SCHMIT:

09:25:41 13 Q. Mr. Murray, can you identify for us the

09:25:44 14 packet of documents that has been marked for

09:25:47 15 identification as Defendant's number 1.

09:25:53 16 A. Assuming all the pages are what they

09:26:02 17 appear to be, it seems that way, this is -- these

09:26:09 18 are documents that I prepared wherein I examined

09:26:14 19 archived time reports for employees in an attempt

09:26:19 20 to determine the amount of time worked in a pay

09:26:23 21 period and recorded the time on a summary sheet.

09:26:27 22 Q. Now, with respect to that response, do

09:26:31 23 you mean the amount of time recorded as opposed to

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09:26:35 1 worked? Because from these documents, you cannot  
09:26:38 2 tell whether time was worked or not; is that not  
09:26:41 3 correct?

09:26:41 4 A. From the document -- from the archived  
09:26:43 5 time reports, it doesn't show actual work. It  
09:26:46 6 shows time entries.

09:26:48 7 Q. Thank you. Now, I think in response to  
09:26:53 8 an Interrogatory, and I could be wrong on this,  
09:26:54 9 Mr. Cohen, but I think it was, it was mentioned  
09:26:57 10 that there was a single pay period used for this  
09:27:01 11 initial study.

09:27:04 12 A. Yes. There was a pay period used as a  
09:27:06 13 sample.

09:27:06 14 Q. And what pay period was that?

09:27:09 15 A. It was a period ended March 24th, 2007.

09:27:13 16 Q. That would be a two-week period ending  
09:27:15 17 on that date?

09:27:16 18 A. A two-week pay period ending on March  
09:27:18 19 24th.

09:27:19 20 Q. And how did you decide or select that  
09:27:21 21 pay period as a sample?

09:27:27 22 A. In consultation with my manager, we  
09:27:32 23 decided to select a recent pay period in a

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09:27:39 1 non-holiday week that we thought would be  
09:27:45 2 representative of other pay periods.

09:27:48 3 Q. Did -- did you then with respect to  
09:27:52 4 that pay period -- by the way, who was your manager  
09:27:56 5 or supervisor?

09:27:57 6 A. Michael Fitzgerald.

09:27:59 7 Q. Now, with respect to that pay period,  
09:28:03 8 did you look at the archived time report for each  
09:28:08 9 individual -- each hourly individual who worked  
09:28:10 10 during that time period?

09:28:14 11 A. Not for every hourly individual, no.

09:28:19 12 Q. Do you recall how many hourly employees  
09:28:28 13 worked during that time period, the one which ended  
09:28:32 14 March 24th, 2007?

09:28:39 15 A. I'm guessing 60 would be a good guess.

09:28:48 16 Q. Approximately 60?

09:28:50 17 A. Approximately 60.

09:28:51 18 Q. And of those approximately 60 hourly  
09:28:55 19 employees, how many -- how many were reviewed?

09:29:01 20 A. Wow. I'm guessing 30 to 35.

09:29:12 21 Q. Now, is the information pertaining to  
09:29:17 22 those 35 in this exhibit or, put otherwise, does  
09:29:24 23 this exhibit include all 30 or 35 individuals whose

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09:29:30 1 archived time reports were examined in connection  
09:29:32 2 with that pay period?

09:29:36 3           A. I can't say for sure because I can't  
09:29:42 4 obviously examine every single document here, but  
09:29:47 5 if they were employees that I looked at to include  
09:29:51 6 in this sample, they should be in this packet here.

09:29:54 7           Q. Okay. But the packet which you  
09:29:58 8 provided to Mr. Cohen and Mr. Cohen provided to me,  
09:30:03 9 to your best knowledge, included all of the  
09:30:05 10 individuals whose archived time reports you  
09:30:07 11 examined in connection with this sample?

09:30:10 12           A. I believe it contains the ones that I  
09:30:12 13 examined.

09:30:12 14           Q. Okay. Now, why -- why did you exclude  
09:30:17 15 some of the hourly individuals who worked during  
09:30:20 16 that time period?

09:30:23 17           A. I did not include employees who were  
09:30:29 18 not employed as debt collectors. This focused  
09:30:35 19 primarily on debt collectors.

09:30:37 20           Q. To your best recollection, did you  
09:30:39 21 include all of the debt collectors who worked  
09:30:42 22 during that time period?

09:30:43 23           A. I did not include all the debt

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09:30:47 1 collectors who worked during that time period.

09:30:49 2 Q. Now, with respect to debt collectors,  
09:30:54 3 why did you exclude certain ones, or on what basis  
09:30:57 4 did you exclude certain debt collectors?

09:31:00 5 A. I excluded some that could be easily  
09:31:06 6 excluded based upon examination of their pay record  
09:31:10 7 for that pay period that showed that they worked  
09:31:14 8 very, very few hours, probably were part time, and  
09:31:20 9 it would have been a waste of time to examine them  
09:31:25 10 to see if they exceeded 40 hours.

09:31:30 11 Q. Was there any other basis upon which  
09:31:33 12 people were excluded?

09:31:34 13 A. That was it.

09:31:44 14 Q. Okay. So the package should include  
09:31:50 15 most, if not all, of the debt collectors who worked  
09:31:55 16 pretty much full time during the pay period in  
09:31:57 17 question?

09:31:57 18 A. It should include most who seemed as if  
09:32:00 19 they worked full time.

09:32:01 20 Q. Okay. Now, with respect to  
09:32:04 21 methodology, maybe if you would take a look with me  
09:32:07 22 at the -- at the exhibit.

09:32:09 23 A. Okay.

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09:38:30 1 column M is 8 colon 21. The second one under the  
09:38:37 2 column for T, or Tuesday, is 8 colon 15, et cetera.  
09:38:43 3 What do those numbers represent?

09:38:45 4           A. Those numbers would be calculations of  
09:38:49 5 the actual hours and minutes taking into account  
09:38:54 6 breaks and lunches of time recorded on the archived  
09:38:58 7 time reports for this employee for each of those  
09:39:00 8 days.

09:39:00 9           Q. Okay. Now, to help us understand your  
09:39:04 10 methodology here, could you -- why don't we just  
09:39:07 11 take a look at the -- at the first one, Monday, and  
09:39:15 12 I believe that's going to be Monday, March 12th, ...  
09:39:20 13 where there's 8 colon 21. By reference to the  
09:39:25 14 archived time report for that date, could you  
09:39:30 15 explain to me how you concluded the 8 colon 21?

09:39:38 16           A. I added the total amount of work time  
09:39:44 17 based on these time entries --

09:39:47 18           Q. You mean, recorded time?

09:39:48 19           A. Recorded time using principles under --  
09:39:51 20 of hours worked under the Fair Labor Standards Act.  
09:39:56 21 I looked at the time in and time out, calculated  
09:40:03 22 the total amount of time for the day, and deducted  
09:40:09 23 bona fide break times which do not have to be

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09:40:13 1 counted as hours worked, and the resultant figure  
09:40:19 2 would have been -- is the 8 hours and 21 minutes.

09:40:22 3 Q. Now, could you do that for us now?

09:40:25 4 A. Each one of these calculations was done  
09:40:30 5 with a sharp pencil on a side piece of paper with a  
09:40:34 6 calculator, and there was a lot of scratching and  
09:40:37 7 erasing to get it accurate, so I don't know if I  
09:40:39 8 could be as accurate as I was at that point.

09:40:41 9 Q. Would you like to use a piece of paper?

09:40:43 10 A. Well, I'll try it off the top of my  
09:40:45 11 head and see.

09:40:47 12 Q. Sure.

09:40:52 13 A. First of all, the first entry is 9:53  
09:40:57 14 a.m. This would have been one of the days that a  
09:41:01 15 collector begins work at 10 a.m. rather than 8 a.m.

09:41:05 16 Q. The scheduled time would have been 10  
09:41:07 17 a.m. to 7 p.m., as I recall?

09:41:11 18 A. Right. Their normal start time would  
09:41:12 19 have been 8 a.m., but on certain days they would  
09:41:16 20 begin at 10 a.m.

09:41:17 21 Q. Correct.

09:41:18 22 A. If you would -- from 10 a.m. -- from  
09:41:24 23 9:53 -- I would add the time from 9:53 to 7:02, the

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09:41:31 1 total amount of time for that period, and it looks  
09:41:35 2 like it would be nine hours and nine minutes.

09:41:42 3 Q. I would agree on that.

09:41:43 4 A. Okay. From that, I would subtract time  
09:41:50 5 that would not have to be counted as work time  
09:41:53 6 because it would be a bona fide break under the  
09:41:56 7 Fair Labor Standards Act, so it looks as if -- and  
09:42:00 8 allow me to follow through and recall how I may  
09:42:03 9 have done this. 9:53 a.m. to 10:29 a.m. was  
09:42:08 10 work -- was time punched in. Punched out at 10:29  
09:42:16 11 for a break. Came back at 10:39. That would still  
09:42:22 12 be considered work time. We would not deduct that  
09:42:24 13 as a break. Recorded time out again at 12:01 p.m.  
09:42:34 14 and came back at 12:22 p.m. That would be  
09:42:40 15 considered bona fide break time which I could  
09:42:43 16 deduct. It would be a 21-minute period which would  
09:42:46 17 not be counted as work time.

09:42:51 18 Clocked out again at 2 p.m. for a break.  
09:42:59 19 Clocked in at 2:11 p.m. We would consider that  
09:43:03 20 period to be work time and would not deduct any  
09:43:07 21 break time for that period. Clocked out at 4:01  
09:43:14 22 p.m., appears to be for a break. Came back at 4:22  
09:43:21 23 p.m. That would be a sufficient period of time

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09:43:24 1 that the Department of Labor would consider it to  
09:43:26 2 be a break time and we would deduct that amount of  
09:43:29 3 time.

09:43:31 4 Q. The 4:01 to 4:22 p.m. would be  
09:43:35 5 considered a break as opposed to a second meal  
09:43:37 6 period?

09:43:37 7 A. For purposes of the Fair Labor  
09:43:41 8 Standards Act in hours worked it wouldn't matter to  
09:43:44 9 us whether or not it was a break or a meal period,  
09:43:46 10 but we would count it as time not worked because it  
09:43:52 11 was -- met our standards for a bona fide break.

09:43:57 12 Q. I'm sorry, if it was a break I thought  
09:44:00 13 it would count as time worked.

09:44:03 14 A. A break counts as time worked -- breaks  
09:44:13 15 are counted as time worked because they're for the  
09:44:16 16 convenience of the employer, because they add to  
09:44:20 17 efficiency, et cetera. They don't have -- they  
09:44:25 18 cannot be regarded -- disregarded as time not  
09:44:27 19 worked unless they are at least 20 minutes in  
09:44:30 20 length. So if the breaks that show up in these  
09:44:33 21 archived time reports were at least 20 minutes,  
09:44:36 22 then I did not count them as time worked and  
09:44:40 23 deducted them.

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09:46:02 1 agreed was, what, nine minutes and -- I'm sorry,  
09:46:08 2 nine hours, or am I doing that wrong?

09:46:11 3 A. Nine hours and nine minutes.

09:46:12 4 Q. Nine hours and nine minutes?

09:46:14 5 A. Yes.

09:46:14 6 Q. Did I do that right? Nine hours and  
09:46:16 7 nine minutes. And then we subtract, or your  
09:46:22 8 methodology would subtract the two longer break  
09:46:26 9 periods, whether they be break periods, meal  
09:46:28 10 periods, or what have you, they're 21 minutes each.  
09:46:31 11 So you'd subtract the 42 minutes?

09:46:34 12 A. Yes.

09:46:34 13 Q. And the resulting number should be  
09:46:37 14 8:21?

09:46:37 15 A. Should be, yes.

09:46:39 16 Q. Okay. But that's the methodology?

09:46:41 17 A. That's the methodology.

09:46:42 18 Q. Maybe the next one is a little bit  
09:46:45 19 easier for us, and we'll just take that one,  
09:46:49 20 because it now is what I understand to be the  
09:46:52 21 regular time for a collector, the 8 a.m. to 4:30  
09:47:00 22 p.m. daytime schedule; is that correct, Mr. Murray?

09:47:01 23 A. That's what this appears to be.

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09:50:13 1 attempted to determine the recorded time worked on  
09:50:17 2 a daily basis, added the time up for the week to  
09:50:23 3 determine the total weekly time recorded on these  
09:50:26 4 archived time reports in each work week, if it was  
09:50:30 5 over 40 hours.

09:50:33 6 Q. Now, my recollection in the response to  
09:50:37 7 Interrogatories that is in the record was that  
09:50:40 8 there was an average done that all of this time,  
09:50:46 9 and correct me if I'm wrong, please, because I want  
09:50:47 10 to be sure I understand this step a bit, that all  
09:50:51 11 of these computations of these individuals were  
09:50:54 12 added and then divided by the hours. And an  
09:51:02 13 average, I believe was the response to the  
09:51:06 14 Interrogatory, of ten minutes per day was arrived  
09:51:09 15 at. Does that --

09:51:11 16 A. Ten minutes per day or 100 minutes per  
09:51:16 17 two-week pay period.

09:51:17 18 Q. Correct. What I'm asking is how,  
09:51:22 19 having done the exercise represented in Defendant's  
09:51:28 20 number 1, you then arrived at the ten minutes per  
09:51:31 21 day or 100 minutes per pay period. What was your  
09:51:36 22 method in arriving at those numbers?

09:51:40 23 A. I took the recorded hours worked from

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09:51:46 1 the archived time reports which were transferred to  
09:51:49 2 these sheets for each collector, and in this case  
09:51:54 3 of Roy Alden it was one hour and 19 minutes. For  
09:52:00 4 every collector, with the exception of the very  
09:52:05 5 lowest one and the very highest one, which  
09:52:08 6 somewhere in my statistical studies years ago they  
09:52:11 7 said I should disregard the extremes. So I threw  
09:52:14 8 them out and calculated an average amount of time  
09:52:22 9 worked in excess of 40 hours per pay period per  
09:52:27 10 collector in the sample.

09:52:29 11 Q. Now, when you say time worked, do you  
09:52:31 12 mean time recorded?

09:52:32 13 A. Time recorded on the archived time  
09:52:35 14 reports.

09:52:36 15 Q. And with respect to Alden, you  
09:52:38 16 mentioned an hour and 19 minutes. That's the --  
09:52:42 17 you derived that from the 41 hours and 19 minutes  
09:52:48 18 that you calculated. Is that recorded to the hour,  
09:52:51 19 19 minutes?

09:52:53 20 A. Exact -- in this particular case one  
09:52:55 21 hour and 19 minutes would be the amount of recorded  
09:52:57 22 time in excess of 40 hours for this particular  
09:52:59 23 work.

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09:53:01 1 Q. And if we went through it, for example,  
09:53:03 2 just going quickly to Alvarez which I think is the  
09:53:09 3 second name in this packet, correct?

09:53:16 4 A. Yes.

09:53:17 5 Q. With respect to Alvarez, it would be,  
09:53:22 6 for the one week, the first week actually in the  
09:53:26 7 pay period would be 53 minutes recorded in excess  
09:53:29 8 of 40 hours and in the second week in the pay  
09:53:32 9 period it would be 46 minutes recorded in excess of  
09:53:35 10 40 hours; is that correct?

09:53:36 11 A. Yes.

09:53:36 12 Q. Okay. And your conclusion, as I  
09:53:48 13 understand the calculations, was that when you  
09:53:52 14 divided the total of all of those recorded hours by  
09:53:59 15 the scheduled hours, there was an average, I  
09:54:01 16 believe, of 50 minutes per week over the scheduled  
09:54:05 17 time?

09:54:06 18 A. It came to a bit more than that. It  
09:54:07 19 came to -- first of all, I had to convert minutes  
09:54:12 20 on base 60 to a decimal percentage to do this, but  
09:54:16 21 it came to a bit more than 50 minutes per week, but  
09:54:22 22 in the interest of attempting to simplify the  
09:54:25 23 formula that I ultimately derived and also so as

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09:54:29 1 not to -- as to round down so as to try to minimize  
09:54:32 2 any amount of error, I rounded down to the closest  
09:54:38 3 whole number of hours which worked out to be 50  
09:54:40 4 minutes per week. The actual calculation was  
09:54:42 5 probably more than 50 minutes per week. I know it  
09:54:47 6 was more than 50, by some small amount.

09:54:51 7 Generally, in my calculations, rounding down  
09:54:55 8 in the company's favor in my estimates.

09:54:58 9 Q. Now, with respect to this methodology  
09:55:04 10 then, and given the allegations in the complaint,  
09:55:09 11 for example, and I just flipped back to Alden  
09:55:11 12 because they happened to be on the top of the pile,  
09:55:16 13 and if you'll take a look with me at the second  
09:55:21 14 page in the packet and the entries on the archived  
09:55:30 15 time card report for Alden for March 13 where we  
09:55:36 16 have an entry -- an initial time recorded of 7:56  
09:55:42 17 a.m.

09:55:44 18 Do you see that, Mr. Murray?

09:55:45 19 A. Yes, I do.

09:55:46 20 Q. In effect then it's the Secretary's  
09:55:49 21 position that from 7:56 a.m. to 8 a.m., Alden's  
09:55:56 22 scheduled start time, he was working. Is that  
09:55:59 23 essentially the position?

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10:06:13 1 that packet for me.

10:06:14 2           A. This appears to be the packet of  
10:06:21 3 worksheets that I used to make an estimate of back  
10:06:26 4 wages owed for unpaid overtime by Security Credit.

10:06:31 5           Q. Now, just looking at the very top  
10:06:40 6 sheet, an individual by the name of Abramson,  
10:06:44 7 Abramson, I'm sorry, I mispronounced that, I see  
10:06:48 8 the year and work week ending, a column on the left  
10:06:53 9 there. How did you pick the work week ending or  
10:06:57 10 the payroll period ending dates that are reflected  
10:07:01 11 there?

10:07:02 12           A. I have four pay periods listed for this  
10:07:06 13 employee, and that was a result of me reviewing the  
10:07:11 14 payroll records for this employee and recording the  
10:07:19 15 work weeks -- I'm sorry, the pay periods in which  
10:07:23 16 the pay records indicated 76 or more hours of work  
10:07:30 17 paid for the pay period.

10:07:36 18           Q. Why 76 hours or more?

10:07:39 19           A. 76 hours was derived as a cutoff point  
10:07:51 20 that could be used to sort out pay periods in which  
10:07:58 21 collectors would have exceeded 40 hours work,  
10:08:06 22 actual work time.

10:08:08 23           Q. Why would 76 be the cutoff number?

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10:08:12 1           A.     In reviewing the archived time reports  
10:08:18 2 and entering calculations of unpaid time as I  
10:08:26 3 reviewed in the previous exhibit, I attempted to  
10:08:32 4 discern a break point or a cutoff point below which  
10:08:39 5 it could be -- employees could be eliminated as  
10:08:43 6 probably not having worked in excess of 40 hours  
10:08:47 7 per week, and at that level or above it was more  
10:08:50 8 likely that they worked in excess of 40 or more  
10:08:53 9 hours per week during the pay period.

10:08:59 10           Q.     Would that -- I'm not sure that I  
10:09:05 11 understand that, because it would seem to me that  
10:09:07 12 80 would be the number and 76, to me, is  
10:09:12 13 counterintuitive. Why would 80 not be the number?

10:09:16 14           A.     Well, 80 would not be the number  
10:09:19 15 because Security Credit, by its time-keeping  
10:09:26 16 system, often failed to record time that the  
10:09:30 17 Department of Labor would consider time worked.  
10:09:35 18 And in many, many cases less than 80 hours were  
10:09:39 19 recorded and paid for when, in fact, the time card,  
10:09:43 20 the archived time reports indicated entries that  
10:09:47 21 exceeded 40 hours per week or 80 hours per pay  
10:09:52 22 period.

10:09:53 23           Q.     Well, your conclusion after -- as I

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10:09:55 1 understood it, after examining the archived time  
10:09:58 2 reports during the sample period was that there was  
10:10:03 3 an average of 50 or slightly more than 50 minutes  
10:10:07 4 per week that the Secretary believes should have  
10:10:11 5 been recorded that was not. Am I not correct in  
10:10:16 6 that?

10:10:16 7 A. That's basically right.

10:10:18 8 Q. And if that's the case, then why  
10:10:20 9 wouldn't the magic number, for example, be 78 hours  
10:10:25 10 or slightly more than that? In other words, 80  
10:10:28 11 less 100 minutes.

10:10:31 12 A. In looking at the sample, as I said, I  
10:10:36 13 attempted to determine a cutoff point where I could  
10:10:39 14 eliminate certain employees, and there were in the  
10:10:42 15 sample instances of employees working less than 76  
10:10:45 16 hours in a pay period but still having unrecorded  
10:10:51 17 time in excess of 40.

10:10:54 18 76 --

10:10:56 19 Q. Say that -- would you please repeat  
10:10:59 20 that last answer for me? I don't know that I  
10:11:01 21 follow that.

10:11:02 22 A. There were instances where employees in  
10:11:06 23 my sample, if I recall, even worked -- were paid

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10:11:11 1 for less than 76 hours in a pay period and still  
10:11:14 2 had unpaid time in excess of 40 shown on the  
10:11:21 3 archived time reports.

10:11:22 4 This could be because one week was a  
10:11:24 5 part-time week within the pay period, the following  
10:11:27 6 week was a lengthy week for them. The company  
10:11:29 7 would always deduct time when they worked less than  
10:11:32 8 40 hours but never include time when they worked  
10:11:35 9 more than 40 hours.

10:11:36 10 In an attempt to make a more clear-cut,  
10:11:40 11 easily explainable calculation or estimate of  
10:11:43 12 unpaid time, there was a need to determine where --  
10:11:48 13 at what point I should cut off making a calculation  
10:11:51 14 and give the company the benefit of the doubt, and  
10:11:56 15 my best estimate looking at what I sampled was that  
10:12:00 16 76 hours per pay period would have been a clear  
10:12:03 17 break point where it would have captured most of  
10:12:06 18 the instances of hours in excess of 40, not all,  
10:12:09 19 but most.

10:12:13 20 Q. I'll come back to that in a minute.

10:12:21 21 Taking a look at the Abramson computation  
10:12:27 22 sheet, the first sheet of Defendant's Exhibit 2,  
10:12:32 23 where I see the total hours for those four pay

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10:12:35 1 periods generally being -- I think -- it's not a  
10:12:39 2 very satisfactory copy, but generally 79 hours  
10:12:43 3 plus.

10:12:43 4           A.     It looks as if in this case everybody  
10:12:46 5 was 79 and some fraction.

10:12:48 6           Q.     Yes.   I'm not sure about the third one,  
10:12:51 7 the third number.

10:12:51 8           Now, explain to me then what the calculation  
10:12:54 9 is with respect -- under the line there, there's a  
10:12:59 10 four times 1.66 times 9 times time and a half.  
10:13:03 11 Perhaps you'd be good enough to explain that  
10:13:06 12 calculation.

10:13:07 13           A.     This is a calculation that is an  
10:13:09 14 estimate of unpaid overtime owed to this employee.  
10:13:16 15 The 9 is his rate of pay, \$9 per hour that was in  
10:13:21 16 effect in all of these pay periods. 1.66 is the  
10:13:26 17 estimated amount of unpaid hours per pay period.  
10:13:34 18 1.66 is 1.66 hours. That is 100 out of 120 minutes  
10:13:45 19 or 50 minutes per week rounded down from the  
10:13:50 20 fraction which actually would be closer to 1.67,  
10:13:55 21 rounded down to 1.66.

10:13:59 22           Number 4 is the incidences that I recorded  
10:14:02 23 with this employee was shown as being paid for 76

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10:14:07 1 or more hours per pay period. To estimate the  
10:14:11 2 unpaid overtime in this calculation I multiplied  
10:14:16 3 1.66 hours times the employee's rate of pay, \$9 per  
10:14:24 4 hour, times one and a half for time and one half,  
10:14:28 5 which I indicated as T and one half on this sheet,  
10:14:32 6 meaning 1.5, times the number of instances noted  
10:14:36 7 where there were 76 or more hours per pay period,  
10:14:40 8 resulting in an estimate of \$89.64 of unpaid time  
10:14:46 9 and a half for this employee.

10:14:48 10 Q. Hypothetically, if the total numbers  
10:14:51 11 for Abramson were 78 or less based on the 1.66,  
10:15:02 12 isn't it so -- isn't it true that there would not  
10:15:05 13 have been any allegedly uncompensated overtime?

10:15:14 14 A. I'm not sure what you mean.

10:15:15 15 Q. Well, if it's -- if the number -- if  
10:15:18 16 the total number were 78 hours or fewer, adding  
10:15:25 17 1.66 hours, which is what the 1.66 is translated  
10:15:30 18 from minutes to hours in a pay period, would not  
10:15:35 19 get you over the 40-hour per week limit. I mean,  
10:15:40 20 there would be no basis for uncompensated overtime.

10:15:43 21 A. These numbers recorded here as hours  
10:15:45 22 are hours paid for by the company, and in examining  
10:15:52 23 their archived time reports, it indicated that the

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10:15:56 1 company routinely failed to pay for all hours that  
10:15:59 2 were recorded, and whether it would have been 78,  
10:16:06 3 79, or 77, I would have recorded every pay period  
10:16:11 4 with at least 76 hours as a pay period in which it  
10:16:15 5 is estimated the employee exceeded 40 hours in some  
10:16:23 6 of the weeks.

10:16:24 7 Q. I understand your response and the  
10:16:29 8 Secretary's allegation here, but my question is:  
10:16:34 9 If the prior calculation represented by Defendant's  
10:16:40 10 Exhibit 1 and your testimony with respect to that  
10:16:43 11 exhibit which indicated unrecorded time of 50  
10:16:51 12 minutes, slightly more than 50 minutes per week, if  
10:16:58 13 that's correct, if that's the basis of the  
10:17:00 14 allegation of uncompensated overtime, then there  
10:17:05 15 wouldn't be any uncompensated overtime if the  
10:17:10 16 individual had 78 hours or fewer in the work week.

10:17:17 17 A. In our estimate, there would be,  
10:17:19 18 because, once again, these numbers quoted here are  
10:17:23 19 only the time actually paid for, and since it was  
10:17:27 20 the practice of the company not to pay for all  
10:17:30 21 hours, these are unreliable figures.

10:17:35 22 Q. And it's the determination of yourself  
10:17:39 23 representing the Secretary that the company

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10:17:43 1 underpaid 50 minutes a week?

10:17:45 2           A.     On average for the category of  
10:17:47 3 employees. Of time and one half, not counting  
10:17:53 4 straight time less than 40 hours, which was not  
10:17:57 5 included in this, which could also have been  
10:18:00 6 calculated.

10:18:05 7           Q.     So the Secretary's position then, as I  
10:18:07 8 understand it, is essentially that even though the  
10:18:11 9 calculation would be an underpayment of, on  
10:18:16 10 average, 50 minutes, there would still be  
10:18:19 11 uncompensated overtime if the employer paid for 78,  
10:18:31 12 77, or 76 hours? Is that the Secretary's position?

10:18:35 13           A.     There could be many instances like  
10:18:37 14 that.

10:18:37 15           Q.     Well, in fact, that's what the  
10:18:39 16 calculations are.

10:18:40 17           A.     That's what there is here, yes.

10:18:42 18           Q.     In Defendant's Exhibit number 2, there  
10:18:45 19 are pay periods, are there not, which reflect a  
10:18:49 20 payment of 76 hours or 77 hours by the defendant?

10:18:55 21           A.     Yes.

10:18:55 22           Q.     Sure. And even with respect to  
10:18:59 23 those -- those pay periods, the Secretary is

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10:19:02 1 alleging that there is uncompensated overtime, even  
10:19:07 2 though the Secretary believes that the company  
10:19:12 3 failed to pay only 50 minutes a week?

10:19:16 4           **A.**     Yes, based upon the company's practice  
10:19:19 5 of failing to count time in excess of 40 but always  
10:19:25 6 reducing the amount of hours that were paid for  
10:19:29 7 when an employee came back late from lunch or late  
10:19:32 8 from break.

10:19:32 9           **Q.**     That's where the 50 minutes comes from.

10:19:35 10           **A.**     An estimate of the unpaid time in  
10:19:37 11 excess of 40, yes, that's what the 50 minutes is.

10:19:52 12           **Q.**     So if the work week has 39 or fewer  
10:20:08 13 hours in it, on what basis does the Secretary  
10:20:12 14 allege that there's uncompensated overtime?

10:20:15 15           **MR. COHEN:**   Objection to the question as  
10:20:17 16 vague, ambiguous.   You may answer.

10:20:21 17           **THE WITNESS:**   That -- the estimate we made  
10:20:24 18 based upon sampling of time card reports and  
10:20:27 19 interviewing of employees indicated that there  
10:20:32 20 was -- there were instances of overtime worked in  
10:20:35 21 excess of 40 hours per week even in pay periods  
10:20:39 22 where employees were paid for as few as 76 hours in  
10:20:43 23 the pay period.

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10:20:44 1 BY MR. SCHMIT:

10:20:45 2 Q. So, in other words, one of the two  
10:20:49 3 weeks in that pay period could have uncompensated  
10:20:58 4 time, allegedly uncompensated time over 40?

10:21:02 5 A. An employee could have worked two hours  
10:21:04 6 in excess of 40 in one pay period but no hours at  
10:21:08 7 all in excess of 40 in the other, of the work week  
10:21:14 8 within the pay period.

10:21:15 9 Q. Was there any calculation involved in  
10:21:21 10 determining that 76 hours was the correct cutoff  
10:21:27 11 point?

10:21:28 12 A. Using the sample from the archived time  
10:21:33 13 reports for March 24th, 2007, 76 hours was  
10:21:42 14 determined to be the major break point above which  
10:21:47 15 the -- at which or above the preponderance of  
10:21:52 16 unpaid hours was noted and recorded.

10:21:54 17 There were instances in which employees were  
10:21:59 18 paid for less than 76 hours. In an attempt to find  
10:22:07 19 an even easily identifiable number to base the  
10:22:11 20 calculations on, 76 was chosen.

10:22:17 21 Q. But basically any pay period, according  
10:22:23 22 to the Secretary's allegation, any pay period in  
10:22:27 23 which the employer paid 76 hours or more, the

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10:22:37 1 employer is liable for uncompensated overtime?

10:22:40 2           A.     Yes, a calculation was made to estimate  
10:22:43 3 the amount of unpaid overtime for collectors in pay  
10:22:48 4 periods with 76 or more hours of paid time on the  
10:22:51 5 pay records.

10:22:55 6           Q.     And that would be true even though the  
10:23:01 7 individual may not actually, even with the  
10:23:07 8 50-minute average determined, may never have worked  
10:23:14 9 more than 40 hours in that week?

10:23:20 10           A.     Based upon the estimate that was made  
10:23:25 11 and the preponderance of evidence, the pattern  
10:23:28 12 showed that employees did exceed more than 40 hours  
10:23:32 13 per week, that for -- this was the basis upon which  
10:23:37 14 the calculations were made.

10:23:38 15           Q.     There is no statutory obligation to pay  
10:23:42 16 overtime for hours worked in excess of 76 in a  
10:23:46 17 two-week pay period, is there?

10:23:47 18           A.     No.

10:23:55 19           Q.     Could you turn with me to the second  
10:24:32 20 and third and fourth sheets. They relate to a Roy  
10:24:41 21 Alden --

10:24:44 22           A.     Yes.

10:24:44 23           Q.     -- who we previously talked about in

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1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE )

4  
5 I DO HEREBY CERTIFY as a Notary Public in and  
6 for the State of New York, that I did attend and  
7 report the foregoing deposition, which was taken  
8 down by me in a verbatim manner by means of machine  
9 shorthand. Further, that the deposition was then  
10 reduced to writing in my presence and under my  
11 direction. That the deposition was taken to be  
12 used in the foregoing entitled action. That the  
13 said deponent, before examination, was duly sworn  
14 to testify to the truth, the whole truth and  
15 nothing but the truth, relative to said action.

16

17

18

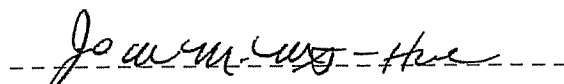
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JOAN M. METZGER-HUBBELL,  
CRR, RMR, RPR,  
Notary Public.

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# Exhibit J

Form WH-55  
Rev. Oct. 1987

# Archived Time Card Report

Includes selected workgroups for all employees who are Active.

Alden Roy

02/15/07					8.00	Regular	
02/16/07					8.00	Sick	
02/19/07	9:52a	11:28a	11:37a	1:00p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	1:22p	2:44p	2:55p	5:11p			
	5:34p	7:03p					
02/19/07					8.00	Regular	
02/20/07	7:54a	12:31p	12:52p	2:29p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	2:36p	4:32p					
02/20/07					8.00	Regular	
02/21/07	7:53a	9:32a	9:42a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Shrt. Brk
	12:59p	2:26p	2:37p	4:31p			
02/21/07					8.00	Regular	
02/22/07	7:54a	9:27a	9:40a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:54p	2:33p	2:43p	4:32p			
02/22/07					8.00	Regular	
02/23/07	7:57a	9:27a	9:36a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:53p	2:15p	2:24p	4:32p			
02/23/07					8.00	Regular	
02/26/07	9:52a	11:31a	11:41a	1:02p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	1:25p	5:00p	5:23p	7:02p			
02/26/07					8.00	Regular	
02/27/07	7:57a	9:26a	9:33a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:51p	2:29p	2:39p	4:33p			
02/27/07					8.00	Regular	
02/28/07	7:57a	9:40a	9:50a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:54p	2:31p	2:41p	4:33p			
02/28/07					8.00	Regular	
03/01/07	7:55a	9:34a	9:43a	12:32p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:53p	2:23p	2:32p	4:32p			
03/01/07					8.00	Regular	
03/02/07					8.00	Eamed	
03/05/07	9:54a	11:25a	11:36a	1:00p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	1:23p	3:02p	3:11p	5:00p			
	5:21p	7:02p					
03/05/07					8.00	Regular	
03/06/07	7:53a	9:33a	9:42a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:54p	2:34p	2:45p	4:32p			
03/06/07					8.00	Regular	
03/07/07	7:54a	9:26a	9:38a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:52p	2:32p	2:42p	4:32p			
03/07/07					8.00	Regular	
03/08/07	7:54a	9:24a	9:34a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:51p	2:31p	2:40p	4:32p			
03/08/07					8.00	Regular	
03/09/07	7:54a	9:23a	9:33a	12:30p	8.00	8:00a/ 4:30p	Arr. Early, Shrt. Lun., Shrt. Brk
	12:52p	2:34p	2:43p	4:31p			
03/09/07					8.00	Regular	
03/12/07	9:53a	10:29a	10:39a	12:01p	8.00	10:00a/ 7:00p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:22p	2:00p	2:11p	4:01p			
	4:22p	7:02p					
03/12/07					8.00	Regular	
03/13/07	7:56a	8:27a	8:38a	11:31a	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun.
	11:52a	1:33p	1:44p	4:32p			
03/13/07					8.00	Regular	
03/14/07	7:55a	8:25a	8:34a	11:31a	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	11:51a	2:35p	2:42p	4:32p			
03/14/07					8.00	Regular	
03/15/07	7:54a	8:24a	8:36a	11:31a	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	11:55a	2:38p	2:48p	4:32p			
03/15/07					8.00	Regular	
03/16/07	7:54a	9:28a	9:36a	12:31p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk
	12:55p	2:37p	2:45p	4:32p			
03/16/07					8.00	Regular	
03/19/07					8.00	Vacation	
03/20/07					8.00	Sick	
03/21/07	7:56a	9:28a	9:39a	12:33p	8.00	8:00a/ 4:30p	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk

## Archived Time Card Report

Includes selected workgroups for all employees who are Active.

Alden, Roy

3/21/07	03/21/07	12:54p	2:36p	2:45p	4:32p	8.00	Regular	Arr. Early, Shrt. Lun., Shrt. Brk.
	03/22/07	9:53a	11:27a	11:36a	1:00p	8.00	10:00a/ 7:00p	
		1:21p	2:47p	2:56p	5:00p			
	03/22/07	5:21p	7:01p			8.00	Regular	Arr. Early, Shrt. Lun., Shrt. Brk.
	03/23/07	7:55a	9:26a	9:36a	12:31p	8.00	8:00a/ 4:30p	
		12:51p	2:27p	2:38p	4:31p			
	03/23/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	03/26/07	9:55a	11:23a	11:34a	1:00p	8.00	10:00a/ 7:00p	
		1:22p	2:44p	2:53p	5:01p			
	03/26/07	5:22p	7:02p			8.00	Regular	Arr. Early, Left Late, Shrt. Lun.
	03/27/07	7:53a	9:24a	9:36a	12:31p	8.00	8:00a/ 4:30p	
		12:54p	2:31p	2:42p	4:32p			
	03/27/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	03/28/07	7:58a	9:26a	9:38a	12:32p	8.00	8:00a/ 4:30p	
		12:53p	2:27p	2:37p	4:32p			
	03/28/07					8.00	Regular	Arr. Early, Shrt. Lun., Shrt. Brk.
	03/29/07	9:55a	11:24a	11:32a	1:00p	8.00	10:00a/ 7:00p	
		1:21p	3:09p	3:19p	5:01p			
	03/29/07	5:22p	7:01p			8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	03/30/07	7:55a	9:27a	9:39a	12:30p	8.00	8:00a/ 4:30p	
		12:50p	2:27p	2:37p	4:32p			
	03/30/07					8.00	Regular	Arr. Early, Shrt. Lun., Shrt. Brk.
	04/02/07	9:56a	11:25a	11:36a	1:00p	8.00	10:00a/ 7:00p	
		1:21p	2:44p	2:53p	5:00p			
	04/02/07	5:22p	7:01p			8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/03/07	7:53a	9:25a	9:36a	12:31p	8.00	8:00a/ 4:30p	
		12:55p	2:28p	2:38p	4:32p			
	04/03/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/04/07	7:55a	9:24a	9:33a	12:35p	8.00	8:00a/ 4:30p	
		12:56p	2:28p	2:38p	4:32p			
	04/04/07					8.00	Regular	Arr. Early, Shrt. Lun., Shrt. Brk.
	04/05/07	7:57a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	
		12:52p	2:43p	2:52p	4:31p			
	04/05/07					8.00	Regular	Arr. Early, Long Lun., Long Brk., Shrt. B
	04/06/07	7:54a	9:25a	9:35a	12:30p	7.78	8:00a/ 4:30p	
		12:51p	2:32p	3:09p	4:30p			
	04/06/07					7.78	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/09/07	9:54a	11:25a	11:36a	1:01p	8.00	10:00a/ 7:00p	
		1:21p	2:32p	2:40p	5:01p			
	04/09/07	5:21p	7:03p			8.00	Regular	Tardy, Left Late, Long Brk., Shrt. Brk.
	04/10/07	10:13a	11:27a	11:35a	12:31p	5.90	8:00a/ 4:30p	
		12:51p	2:50p	3:00p	4:33p			
	04/10/07					2.00	Earned	dr's
	04/10/07					5.90	Regular	
	04/10/07							Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/11/07	7:55a	9:25a	9:36a	12:36p	8.00	8:00a/ 4:30p	
		12:57p	2:20p	2:29p	4:32p			
	04/11/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun.
	04/12/07	7:56a	9:32a	9:44a	12:33p	8.00	8:00a/ 4:30p	
		12:55p	2:26p	2:39p	4:32p			
	04/12/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/13/07	7:56a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	
		12:56p	2:27p	2:36p	4:32p			
	04/13/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/16/07					8.00	Earned	
	04/17/07	7:56a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	
		12:52p	2:37p	2:48p	4:32p			
	04/17/07					8.00	Regular	Arr. Early, Left Late, Shrt. Lun., Shrt. Brk.
	04/18/07	7:56a	9:25a	9:35a	12:31p	8.00	8:00a/ 4:30p	
		12:52p	2:35p	2:43p	4:32p			

# Exhibit K

*Fazio - Schmit - 12/29/09*

18

14:22:28 1 Q. So you wouldn't have anything from the  
14:22:30 2 collectors at that time?

14:22:31 3 A. What we would have is, we had a file  
14:22:36 4 that the collectors, sometimes when they called the  
14:22:40 5 debtor, they would get more than one day. Like  
14:22:44 6 they would make a bunch of payments, so this file  
14:22:47 7 consisted of dates, so I would grab each date so I  
14:22:55 8 didn't have to wait for the collectors because they  
14:22:57 9 would be in the file, and I would grab those and  
14:22:59 10 start working on those.

14:23:03 11 Q. Before the collectors got there?

14:23:04 12 A. Yes.

14:23:05 13 Q. And that's what you could do then from  
14:23:07 14 7:20 or 7:25 until 8 o'clock when the collectors  
14:23:13 15 arrived?

14:23:13 16 A. Right.

14:23:18 17 Q. Did -- with respect to the -- your  
14:23:31 18 lunch, your meal break that you mentioned, you said  
14:23:34 19 it was 30 minutes?

14:23:35 20 A. Yes.

14:23:35 21 Q. Would you also activate the hand reader  
14:23:41 22 in connection with that?

14:23:41 23 A. Yes.

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*Fazio - Schmit - 12/29/09*

19

14:23:41 1 Q. Would you and Kathy as a rule take the  
14:23:46 2 full 30-minute lunch period?

14:23:48 3 A. Oh, yes.

14:23:49 4 Q. Okay. And with respect to your ending  
14:23:57 5 time which is, say, 4 o'clock in the beginning and  
14:24:00 6 then 4:30, would you end your day at 4 or 4:30?

14:24:03 7 A. Yes.

14:24:03 8 Q. And you would cease work at that time  
14:24:06 9 and then proceed to the hand swiper?

14:24:09 10 A. Right.

14:24:09 11 Q. Okay. So would you go to the hand  
14:24:12 12 reader perhaps a minute or two after you finished  
14:24:16 13 work?

14:24:17 14 A. Yes.

14:24:17 15 Q. After you finished work, before you  
14:24:21 16 left, would you go to the ladies' room or --

14:24:25 17 A. Sometimes.

14:24:27 18 Q. And then you would go from your work  
14:24:30 19 station to the hand reader?

14:24:32 20 A. Right.

14:24:32 21 Q. Okay. Were you a smoker?

14:24:48 22 A. I used to be, yes.

14:24:49 23 Q. Were you a smoker when you worked at

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1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE )

4

5 I DO HEREBY CERTIFY as a Notary Public in and  
6 for the State of New York, that I did attend and  
7 report the foregoing deposition, which was taken  
8 down by me in a verbatim manner by means of machine  
9 shorthand. Further, that the deposition was then  
10 reduced to writing in my presence and under my  
11 direction. That the deposition was taken to be  
12 used in the foregoing entitled action. That the  
13 said deponent, before examination, was duly sworn  
14 to testify to the truth, the whole truth and  
15 nothing but the truth, relative to said action.

16

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23

-----*Joan M. Metzger-Hubbell*-----  
JOAN M. METZGER-HUBBELL,  
CRR, RMR, RPR,  
Notary Public.

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# Exhibit L

*King - Schmit - 12/30/09*

23

10:29:27 1 Q. Would you say that on most days you  
10:29:31 2 took a full 30-minute lunch period?

10:29:35 3 A. I would probably say yes.

10:29:38 4 Q. What time did your scheduled work time  
10:29:41 5 end?

10:29:41 6 A. 4:30.

10:29:43 7 Q. Okay. And what would you do then?

10:29:45 8 A. In most cases, in all honesty, I was at  
10:29:49 9 the end of the line, always at the end of the line.

10:29:51 10 Q. We've been hearing about the line.

10:29:53 11 A. It didn't matter. I was always at the  
10:29:55 12 end of the line, and there were people that would  
10:29:57 13 line up at 20 after, and Mr. DiMaria would still --  
10:30:00 14 or somebody would come out and scream that we pay  
10:30:03 15 you until 4:30, I don't want you people off these  
10:30:05 16 phones until 4:30. So in that case, by 4:35, 4:40  
10:30:11 17 when I got, you know, the germs of, you know, 35  
10:30:14 18 people, maybe 40 people in front of me because we  
10:30:18 19 never had -- hardly ever had sanitizer there --

10:30:21 20 Q. We're going to have another government  
10:30:24 21 agency.

10:30:25 22 A. Right. So I was at the end of the  
10:30:27 23 line, and in most cases, you know, I'd get out by,

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*King - Schmit - 12/30/09*

24

10:30:32 1 you know, 35, 40 minutes -- you know, 20 to 5.

10:30:36 2 Q. Let's sort of take all that information  
10:30:39 3 in sort of bite-size pieces here for a second.

10:30:42 4 A. Okay.

10:30:42 5 Q. There were collectors that were in line  
10:30:45 6 before 4:30?

10:30:46 7 A. Sure.

10:30:47 8 Q. Approximately how many?

10:30:50 9 A. Oh, usually the same five or six that  
10:30:53 10 would flock up there, and then sometimes I'd see  
10:30:56 11 maybe ten, and then I'd start wondering, should I  
10:31:01 12 start inching my way up there.

10:31:02 13 Q. To get in line?

10:31:04 14 A. Right. And, you know, like I said,  
10:31:07 15 typically -- I mean, there would even be on rare  
10:31:11 16 occasions that the phone would ring. The phones  
10:31:14 17 didn't stop working at 4:30 or 4:29 or whatever the  
10:31:17 18 case would be, so if someone was on the phone, I  
10:31:20 19 certainly, you know, would try to wrap that call up  
10:31:23 20 as quickly as possible.

10:31:25 21 Q. Absent a phone call say at 4:29, would  
10:31:28 22 you generally stop working at 4:30?

10:31:30 23 A. I'd be lying if I said no. I mean, I

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*Joan M. Metzger-Hubbell*  
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JOAN M. METZGER-HUBBELL,  
CRR, RMR, RPR,  
Notary Public.

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# Exhibit M

*Lojeck - Schmit - 12/30/09*

7

13:34:48 1 there was -- you know, I'm trying to remember. One  
13:34:53 2 of them was if you were on target, you didn't have  
13:34:56 3 to do it, but there were some late Mondays and some  
13:34:59 4 late Thursdays that I don't remember honestly the  
13:35:01 5 exact sequence of.

13:35:02 6 Q. And depending upon whether or not you  
13:35:05 7 were on target --

13:35:05 8 A. Yeah, and I think one of them you had  
13:35:07 9 to work. One of them was every week, and then the  
13:35:10 10 other was if you were on target, you could or you  
13:35:13 11 couldn't. It was your option.

13:35:14 12 Q. But otherwise your schedule was 8 to  
13:35:17 13 4:30?

13:35:17 14 A. Correct.

13:35:17 15 Q. And did that include a 30-minute unpaid  
13:35:20 16 meal period?

13:35:21 17 A. It did.

13:35:23 18 Q. With respect to that 30-minute unpaid  
13:35:30 19 meal period, did you take that meal period each  
13:35:35 20 day?

13:35:35 21 A. Yes.

13:35:36 22 Q. And did you take the full 30 minutes?

13:35:41 23 A. Yeah. I would say almost without

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*Lojeck - Schmit - 12/30/09*

8

13:35:43 1 exception, yeah.

13:35:47 2 Q. With respect to the end of the day --

13:35:51 3 A. Yes.

13:35:51 4 Q. -- your schedule ended at 4:30?

13:35:55 5 A. Yes.

13:35:58 6 MR. SCHMIT: Off the record a second.

13:35:59 7 (Discussion off the record.)

13:36:18 8 BY MR. SCHMIT:

13:36:25 9 Q. And your normal quitting time was 4:30?

13:36:27 10 A. 4:30, right.

13:36:28 11 Q. And would you generally stop work at

13:36:30 12 4:30?

13:36:31 13 A. Certainly. You know, very rarely you

13:36:35 14 might be on the phone with a student or somebody

13:36:38 15 for a minute or two, but yeah.

13:36:40 16 Q. But that would be rare?

13:36:41 17 A. That would be rare, yeah.

13:36:44 18 Q. And then you would go to the swipe

13:36:47 19 machine?

13:36:47 20 A. Well, generally you'd go to the line

13:36:49 21 for the swipe machine, but yeah, you'd kind of get

13:36:54 22 on line to start to make your way out.

13:36:55 23 Q. How long would it take you generally?

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*Lojeck - Schmit - 12/30/09*

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13:36:57 1           A.    Well, you know, depending where you  
13:36:58 2       were in the line, it could be a couple of minutes.  
13:37:01 3       It could be as long as, I guess, five or six  
13:37:04 4       minutes in the extreme.

13:37:06 5           Q.    Now, in the morning, let's go to the  
13:37:18 6       morning and talk about that for a bit, your  
13:37:21 7       scheduled start time was 8 o'clock?

13:37:23 8           A.    Yes.

13:37:26 9           Q.    Would you generally swipe in or punch  
13:37:29 10      in at 8 o'clock?

13:37:32 11          A.    The line -- the line in the morning  
13:37:37 12      would often create a time when you were in the  
13:37:39 13      building at 8 but wouldn't swipe or punch in until  
13:37:42 14      8:02, 8:03 or whatever.

13:37:47 15          Q.    Would that be your general experience?

13:37:49 16          A.    Yes, that would.

13:37:50 17          Q.    Were there any occasions on which you  
13:37:52 18      personally swiped in before 8 o'clock?

13:37:55 19          A.    Sure.

13:37:56 20          Q.    Many of those?

13:37:57 21          A.    No, probably not.

13:37:59 22          Q.    More generally 8 or a little after?

13:38:01 23          A.    Yes, closer -- closer to 8 than much

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13:39:32 1 everyone, the line at 4:30. How many people would  
13:39:35 2 be in that line waiting to swipe out?

13:39:37 3           A. Depending on the staffing levels, I  
13:39:41 4 would estimate that you were looking at -- and I  
13:39:43 5 don't know the number, but off the top of my head  
13:39:46 6 I'd say 70 or more as the potential line, beginning  
13:39:49 7 to end.

13:39:49 8           Q. 70 people or more?

13:39:50 9           A. Yeah.

13:39:50 10           Q. And when would they begin to line up?

13:39:53 11           A. A few minutes before 5, and if it was  
13:39:59 12 too much before 5 --

13:40:00 13           Q. You mean 5 or 4:30?

13:40:02 14           A. 4:30. A few minutes before 4:30, and  
13:40:06 15 most people would get up probably a lot closer to  
13:40:09 16 4:30.

13:40:10 17           Q. And how about in the morning, how many  
13:40:12 18 people would be lined up to swipe in?

13:40:15 19           A. As you got closer to 8, more and more.  
13:40:19 20 You could get off the elevator at -- at the Main  
13:40:23 21 Street location and be 15th in line, you know, 15  
13:40:26 22 to 20, as deep as that around 8 o'clock, yeah.

13:40:30 23           Q. Would that normally be your experience?

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---Joan M. Metzger-Hubbell---  
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